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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations: Honduras

1. The Committee considered the second periodic report of Honduras (CRC/C/65/Add.2) at its 541st and 542nd meetings (see CRC/C/SR.541-542), held on 25 May 1999, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the State party's second periodic report. In particular, the Committee notes with satisfaction the willingness of the State party to use this report as a call for action, a guide and a situation analysis to formulate, evaluate and monitor the most important advances in the field of children's rights in the State party. The Committee also takes note of the written replies to its list of issues (CRC/C/Q/HON.2) while regretting their late submission. The Committee is encouraged by the constructive, open and frank dialogue it had with the State party's delegation and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

* At the 557th meeting, held on 4 June 1999.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the constitutional reform (1995), which has endorsed the mandate of the Office of the National Commissioner for Human Rights for the promotion and protection of children's rights, and has abolished the State party's mandatory military service and prohibited service in the military of persons younger than 18.

4. In light of its recommendations (see CRC/C/15/Add.24, paras. 20 and 21), the Committee welcomes the enactment of the Children and Adolescents Code (1996) and the participation of non-governmental organizations in the drafting of the Code.

5. The Committee notes with appreciation the establishment of the network of municipal children's defenders (*Defensores Municipales de la Niñez*), which aims at strengthening the municipalities' involvement in the application and monitoring of the rights of the child.

6. In light of its previous recommendation (see CRC/C/15/Add.24, para. 24), the Committee welcomes the enactment of the Law against Domestic Violence and the reforms to the Penal Code as well as the establishment of the Institute for Women as measures to prevent and combat gender discrimination. In the same vein, the Committee welcomes the creation of an office for the defence of children and persons with disabilities, within the Attorney General's Office (*Ministerio Público*), as well as the creation of the National Council for the Attention of Children with Disabilities (CONAMED).

7. The establishment of poverty alleviation programmes such as the ones carried out by the Honduran Social Investment Fund (FHIS), Family Assistance Programme (PRAF) and the Social Housing Fund, which are in line with the Committee's recommendations (see CRC/C/15/Add.24, para. 29), are noted with appreciation.

8. In light of the Committee's recommendation (CRC/C/15/Add.24, para. 30), the Committee welcomes the measures taken by the State party to include the teaching of human rights, including children's rights, in the school curricula.

9. The Committee welcomes the signing of a memorandum of understanding (1997), between the State party and the International Labour Organization/International Programme for the Eradication of Child Labour (ILO/IPEC), for implementing a programme for the eradication of child labour as well as for the establishment of a National Commission for the Eradication of Child Labour in line with the Committee's recommendation (see CRC/C/15/Add.24, para. 35).

C. Factors and difficulties impeding further progress in the implementation of the Convention

10. The Committee notes with deep concern the devastating effects of Hurricane Mitch (1998), which had a negative impact on the most vulnerable sectors of the population, including children, especially owing to the damage

caused in the agriculture sector and to infrastructure. Hurricane Mitch not only left many dead or missing, including children, and destroyed homes and educational and health-care facilities and services, but also constituted a setback in the efforts of the State party to gradually make children's rights a reality. The Committee expresses its solidarity with the State party in its reconstruction efforts.

11. The Committee notes that widespread poverty and long-standing socio-economic disparities within the State party are still affecting the most vulnerable groups, including children, and hamper the enjoyment of the rights of the child in the State party. This situation, the Committee also notes, has been particularly aggravated by severe economic constraints, due in particular to the implementation of structural adjustment programmes and external debt.

D. Principal subjects of concern and the Committee's recommendations

1. General measures of implementation

12. Although the Committee welcomes the enactment of the Children and Adolescents Code, it remains concerned about some discrepancies between domestic legislation and the provisions of the Convention, especially those which still regard children as objects and not as subjects of rights (the irregular situation approach). **The Committee recommends that the State party take all available measures to ensure that the Children and Adolescents Code and other domestic legislation (e.g. Penal Code, Labour Code, Family Code and draft Adoption Law) are in full conformity with the principles and provisions of the Convention.**

13. While noting the measures taken by the State party to implement the Committee's recommendation (see CRC/C/15/Add.24, para.21) concerning the need to establish adequate coordination between various governmental entities dealing with children's issues, both at the national and the local levels, and taking note of the transformation of the Social Welfare Board (JNBS) into the Honduran Institute of Children and the Family (IHNFA), the Committee is still concerned about the insufficiency of these measures. In particular, the Committee is concerned that IHNFA does not have sufficient financial and human resources to carry out its mandate in an effective manner throughout the territory of the State party. **The Committee recommends that the State party take further measures to reinforce the existing coordinating mechanisms (e.g. the National Commissioner for Human Rights, IHNFA, etc.), including at the municipal level, in order to strengthen coordination between the various governmental bodies involved in children's rights. Furthermore, the Committee recommends that the State party take all necessary steps, including international cooperation, to provide IHNFA with adequate financial and human resources in order that it may carry out its mandate in an effective manner. Greater efforts should be made to ensure closer cooperation with non-governmental organizations working in the field of children's rights.**

14. With regard to the implementation of the Committee's recommendation (CRC/C/15/Add.24, para. 21) concerning the need to develop a data collection system on children's rights, and taking into consideration the measures taken in cooperation with the Inter-American Children's Institute and the information provided by the State party regarding the conduct of a population census in the year 2000, the Committee remains concerned about the lack of disaggregated data on all the areas covered by the Convention. **The Committee recommends that the State party continue reviewing and updating its data collection system, with a view to including all areas covered by the Convention. In addition, the Committee encourages the State party to use the information provided by its next population census as a basis for the development of disaggregated data on children's rights. Such a system should include all children under 18 years of age and specifically emphasize vulnerable groups of children as a basis for assessing progress achieved in the realization of children's rights and to help design policies for better implementation of the provisions of the Convention. In this regard, the Committee encourages the State party to seek technical assistance from, inter alia, UNICEF.**

15. The Committee takes note of the measures taken by the State party to implement the Committee's recommendation (see CRC/C/15/Add.24, para. 23) regarding the need to make the principles and provisions of the Convention widely known and understood by the population at large. Nevertheless, it remains concerned at the insufficiency of these measures, especially among indigenous and ethnic groups as well as in rural areas. **The Committee recommends that the State party strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights. Special emphasis should be placed on the dissemination of the Convention among indigenous and ethnic groups as well as in rural and remote areas. In this regard, the Committee further recommends the incorporation of local structures such as the municipal children's defenders and non-governmental organizations in the development of a national awareness campaign on the Convention. Furthermore, the Committee recommends publicizing the Convention in innovative ways, taking into consideration the specific needs of indigenous and ethnic groups. The Committee encourages the State party to consider seeking technical assistance in this area from, inter alia, UNICEF.**

16. With regard to the implementation of the Committee's recommendation (see CRC/C/15/Add.24, para. 23), the Committee appreciates the detailed information on the conduct of training programmes for professionals working with and for children. Nevertheless, the Committee is of the opinion that such measures need to be reinforced. **Therefore, the Committee recommends that the State party renew its efforts to undertake systematic education and training programmes on the provisions of the Convention for all professional groups working for and with children, such as judges, lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers. Furthermore, special attention should be given to the provision of training for professionals working with and for children on how the principles and provisions of the Convention are reflected in and**

implemented by domestic legislation (e.g. Children and Adolescents Code). Technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF could be requested in this regard.

17. While the Committee is aware of the efforts undertaken by the State party to allocate substantial financial resources for the benefit of children, it reiterates its concern (see CRC/C/15/Add.24, para. 8) that stringent budgetary measures and external debt, as well as the persistence of widespread poverty and uneven income distribution, are still having a negative impact on the situation of children in the State party. In addition, the Committee expresses its concern at the lack of a child rights dimension in the context of the Master Plan for National Reconstruction (after Hurricane Mitch). **In light of articles 2, 3 and 4 of the Convention, the Committee encourages the State party to continue undertaking all appropriate measures to the maximum extent of available resources, including international cooperation, to continue ensuring that sufficient budgetary allocations are provided to social services for children and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups. Furthermore, the Committee recommends that the State party take children's rights into consideration in designing its social policies and programmes, especially in the context of its efforts in seeking international cooperation for reconstruction after Hurricane Mitch.**

2. Definition of the child

18. With regard to the implementation of article 1 and other related provisions of the Convention, the Committee takes note of the existing legal studies to reform domestic legislation and harmonize the different legal ages according to the principles and provisions of the Convention. Nevertheless, the Committee is concerned about the use of the biological criterion of puberty to set different ages of maturity between boys and girls. This practice is contrary to the principles and provisions of the Convention and, inter alia, constitutes a form of gender-based discrimination which affects the enjoyment of all rights. **The Committee recommends to the State party to introduce the adequate reforms to its domestic legislation in order to bring it into full conformity with the principles and provisions of the Convention.**

3. General principles

19. While the Committee acknowledges the State party's efforts to implement the Committee's recommendation (see CRC/C/15/Add.24, para. 24) for the protection of the rights of the most vulnerable groups of children, it is of the opinion that these measures need to be reinforced. In addition, the Committee is particularly concerned about the prevalence of cultural attitudes and traditions which are patriarchal and discriminatory against the girl child. **The Committee reiterates its recommendation to the State party and further recommends that it increase measures to reduce economic and social disparities, including between urban and rural areas, to prevent discrimination against the most disadvantaged groups of children, such as the girl child, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas. Furthermore, the Committee recommends that the State party strengthen its efforts in order to revise prevailing cultural attitudes**

and traditional practices which constitute a form of gender-based discrimination, contrary to the principle of non-discrimination enshrined in article 2 of the Convention. The Committee also recommends that the State party undertake educational campaigns to raise awareness of the need to prevent and combat discrimination on the grounds of gender and ethnic origin. Furthermore, the Committee suggests that the State party consider acceding to the International Convention on the Elimination of All Forms of Racial Discrimination.

20. With regard to its recommendation (see CRC/C/15/Add.24, para. 20), the Committee notes that the current domestic legislation has partially integrated the principles of "best interests of the child" (art. 3) and "respect for the views of the child" (art. 12). Nevertheless, it remains concerned that in practice, these principles are not fully implemented and children are not yet perceived as persons entitled to rights. **The Committee recommends that further efforts be made to ensure the implementation of the principles of "best interests of the child" and "respect for the views of the child", especially his or her right to participate in the family, at school, within other institutions and in society in general. These principles should also be reflected in all policies and programmes relating to children. Awareness-raising among the public at large, including communities and religious leaders, as well as educational programmes on the implementation of these principles should be reinforced in order to change traditional perceptions regarding children as objects and not as subjects of rights.**

4. Civil rights and freedoms

21. While the Committee takes note of the State party's efforts to improve birth registration, especially those by the Office of the National Registry of Persons and the National Commissioner for Human Rights, it remains concerned about the fact than in some Departments only 20 per cent of all births are registered. **In light of article 7 of the Convention, the Committee reiterates its recommendation (see CRC/C/15/Add.24, para. 25) and further recommends that the State party increase measures to ensure the immediate registration of the birth of all children, especially those living in rural and remote areas. In addition, the Committee encourages the State party to ensure that birth registration procedures are widely known and understood by the population at large.**

22. Although the Committee notes with appreciation the enactment of the Education Reform Law, which encourages and increases the participation of children in schools, it is still concerned that participatory rights of children have not been sufficiently developed in the State party. In addition, concern is also expressed at the existing legal prohibition of students' organizations in secondary schools, which is contrary to the child's rights to freedom of association and peaceful assembly. **In light of articles 15 and 16 and other related articles of the Convention, the Committee recommends that further measures, including legislative reform, be undertaken to promote the participation of children in the family, school and social life, as well as the effective enjoyment of their fundamental freedoms, including the freedoms of opinion, expression, and association.**

23. With regard to the implementation of the Committee's recommendation (see CRC/C/15/Add.24, para. 33), the Committee notes the measures taken by the State party to investigate cases of police brutality against children living in and/or working on the streets as well as the payment of compensation to the victims of such abuse. Nevertheless, the Committee is of the opinion that judicial measures need to be reinforced. **The Committee recommends that the State party reinforce its judicial mechanisms to deal with complaints of police brutality, ill-treatment and abuse of children, and that cases of abuse of children be duly investigated in order to avoid impunity for perpetrators.**

5. Family environment and alternative care

24. While noting that the Children and Adolescent Code and other domestic legislation regulate the process of adoptions, the Committee regrets that the State party has not fully complied with the implementation of its recommendation (see CRC/C/15/Add.24, para. 26). **The Committee reiterates its suggestion to the State party to consider its accession to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.**

25. While the Committee takes note of the State party's efforts to implement the Committee's recommendation (see CRC/C/15/Add.24, para. 33) regarding the need to take all available measures to prevent and combat cases of abuse and ill-treatment of children, it is of the opinion that these measures need to be reinforced. Concern is also expressed at the insufficient awareness regarding the harmful consequences of ill-treatment and abuse, including sexual abuse, both within and outside the family. Concern is also expressed at the insufficient resources, both financial and human, as well as at the lack of adequately trained personnel to prevent and combat such abuse. The insufficiency of rehabilitation measures and facilities for such children and their limited access to justice are also matters of concern. **In light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party take all appropriate measures, including setting up multidisciplinary programmes and rehabilitation measures, to prevent and combat child abuse and ill-treatment of children within the family, at school and in society at large. It suggests, inter alia, that law enforcement should be strengthened with respect to such crimes and that adequate procedures and mechanisms to deal with complaints of child abuse should be reinforced in order to provide children with prompt access to justice to avoid impunity for the offenders. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue. The Committee encourages the State party to consider seeking international cooperation to this effect from, inter alia, UNICEF and international non-governmental organizations.**

6. Basic health and welfare

26. In light of its recommendation (see CRC/C/15/Add.24, para. 28), the Committee welcomes the measures taken to improve the health standards of children, in particular those initiatives related to the reduction of infant mortality such as the Integrated Management of Childhood Illnesses, implemented in cooperation with WHO and UNICEF. Nevertheless, the Committee remains concerned about the persistent high rates of malnutrition in children

under five years of age and in school-age children and limited access to health-care services in rural and remote areas. **The Committee recommends that the State party continue taking all appropriate measures, including through international cooperation, to ensure access to basic health care and services for all children. More concerted efforts need to be taken to combat malnutrition and ensure the adoption and implementation of a national nutritional policy and action plan for children.**

27. With regard to adolescent health issues, the Committee welcomes the State party's initiatives and programmes to prevent and combat the spread of HIV/AIDS, and takes note of the intention to enact legislation for the protection of the rights of persons infected by HIV/AIDS. Nevertheless, the Committee is particularly concerned at the high and increasing rate of teenage pregnancy and the insufficient access by teenagers to reproductive health education and counselling services, including outside schools. The Committee is also concerned at the increasing rate of substance abuse among adolescents. **The Committee recommends to the State party to continue, with the support of international cooperation, with its efforts in the prevention of HIV/AIDS and to take into consideration the Committee's recommendations adopted on its day of general discussion on "Children living in a world with HIV/AIDS" (CRC/C/80). It also suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems and as a basis to promote adolescent health policies and strengthen reproductive health education and counselling services. The Committee also recommends that further efforts be undertaken for the development of child-friendly counselling services as well as care and rehabilitation facilities for adolescents. Measures to prevent and combat substance abuse among adolescents should be strengthened.**

28. With regard to the situation of children with disabilities, the Committee expresses its concern at the lack of adequate infrastructure, qualified staff and specialized institutions for these children. In addition, the Committee is particularly concerned at the lack of a governmental policy and programmes for children with disabilities and at the lack of governmental monitoring of private institutions for these children. **In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on "Children with disabilities" (CRC/C/69), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of children with disabilities, envisage awareness-raising campaigns to reduce discrimination against them, establish special education programmes and centres as needed and encourage their inclusion in the educational system and in society, and establish adequate monitoring of private institutions for children with disabilities. The Committee further recommends to the State party to seek technical cooperation for the training of professional staff working with and for children with disabilities. Furthermore, the Committee encourages the State party to continue working in partnership with specialized non-governmental organizations in this field.**

7. Education, leisure and cultural activities

29. In light of its recommendation (see CRC/C/15/Add.24, paras. 30-31) on the educational system, the Committee takes note of the follow-up measures undertaken by the State party in this field and notes with appreciation the plans for the establishment of the Honduran Programme of Community Education (PROHECO), which aims at improving children's access to education. Nevertheless, the Committee remains concerned about the low enrolment rates, especially in rural and remote areas, high drop-out rates from primary and secondary schools, and the lack of attention to the special needs of working children and children with disabilities. **The Committee recommends that the State party continue with its efforts in the field of education by strengthening its educational policies and system in order to reduce regional disparities in access to education and to establish retention programmes and vocational training for drop-outs. The Committee encourages the State party to consider technical assistance in this area, inter alia from UNESCO.**

8. Special protection measures

30. The Committee regrets the lack of follow-up to the Committee's recommendation (CRC/C/15/Add.24, para. 34) regarding the need to introduce legislation for the protection of the rights of refugees. **The Committee reiterates its recommendation to the State party to undertake the necessary measures to introduce legislation for the protection of the rights of refugee children, in line with the relevant international standards.**

31. The Committee remains concerned about the living conditions of children belonging to indigenous (e.g. Lencas, Chortis, Miskitos, etc.) and ethnic groups (e.g. Garifunas), especially with regard to the full enjoyment of all the rights enshrined in the Convention. **In light of articles 2 and 30 of the Convention, the Committee recommends to the State party to take all necessary measures to protect children belonging to indigenous and ethnic groups against discrimination and to guarantee their enjoyment of all the rights recognized in the Convention.**

32. While welcoming the measures taken for the eradication of child labour, in line with the Committee's recommendation (see CRC/C/15/Add.24, para. 35), the Committee is still concerned that economic exploitation remains one of the major problems affecting children in the State party. The Committee remains concerned at the insufficient law enforcement and the lack of adequate monitoring mechanisms to address this situation. **In light of, inter alia, articles 3 and 32 of the Convention, the Committee recommends that the State party continue working in cooperation with ILO/IPEC for the establishment and implementation of a national plan for the elimination of child labour and undertake all the actions envisaged within the memorandum of understanding with ILO/IPEC. The situation of children involved in hazardous labour, especially in the informal sector where the majority of working children are found, deserves special attention. Furthermore, the Committee recommends that child labour laws should be enforced, the labour inspectorates strengthened and penalties imposed in cases of violation. The Committee encourages the State party to continue enforcing labour legislation prohibiting the work of children in the maquila industry.**

33. The Committee also expresses its concern about the situation of children who, because of serious situations of extreme poverty as well as of situations of abandonment or violence within the family, are forced to live in and/or work on the streets and are therefore vulnerable to different forms of exploitation and abuse, including sale, trafficking and abduction. The rising number of youth gangs (known in Honduras as maras) is also an area of concern. **In this regard, while the Committee takes note of the State party's plans to implement a specific strategy to address the issue of street children, it recommends to the State party to continue working in cooperation with non-governmental organizations in this area and to adopt appropriate programmes and policies for the protection and rehabilitation of these children and the prevention of this phenomenon. Special attention in the form of preventive and rehabilitation measures should be given to the rising number of youth gangs.**

34. While the Committee takes note of the reforms to the Penal Code and of the training given to the municipal children's defenders to prevent and combat sexual abuse and exploitation of children, it expresses concern at the absence of data and of a comprehensive study on the issue of sexual commercial exploitation of children as well as the lack of a national plan of action to tackle this issue. **In light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat this phenomenon. The Committee recommends to the State party to take into account the recommendations formulated in the Agenda for Action adopted at the World Congress Against Commercial Sexual Exploitation of Children held in Stockholm in 1996.**

35. With regard to the administration of juvenile justice, the Committee welcomes the State party's follow-up measures to the Committee's recommendations (CRC/C/15/Add.24, para. 32), inter alia the increase in the number of juvenile courts; the fact that children are not detained in the same prisons as adults and that special centres for children have been created; and the establishment of alternative measures to the deprivation of liberty. Nevertheless, the Committee remains concerned, inter alia, that deprivation of liberty is not used systematically as a measure of last resort; that due process is not fully respected; and that there is lack of adequate training for the police on the application of the Convention and other relevant international standards. **The Committee recommends that the State party envisage undertaking further measures to ensure the full compatibility of the juvenile justice system with the Convention, especially, articles 37, 40 and 39, and other relevant United Nations standards in this field. Particular attention should be paid to ensuring the improvement of the conditions of children living in special institutions, that violence is not used by law enforcement officials, that deprivation of liberty is only used as a measure of last resort, that due process needs to be respected in all cases, and that alternative measures to deprivation of liberty need to be strengthened. Training programmes on the relevant international standards should be conducted for all professionals involved with the juvenile justice system. In this regard, the Committee further suggests that the State party consider seeking technical assistance from, inter alia, the Office of the**

United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.

36. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.